



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 6051-99
12 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board did not accept your contention to the effect that you did not reenlist in the Marine Corps in 1968. Available records indicate that you reenlisted for a term of six years on 13 February 1968, and were paid the first installment of a variable reenlistment bonus on that date. For reasons which are unclear to the Board, you reenlisted again on 14 April 1968, and the enlistment contract was confirmed on 8 August 1968. In a letter you wrote to a United States Senator in 1970, you acknowledged that you had reenlisted on 13 February 1968, but stated that the contract was subsequently destroyed because an outdated form had been used. You also stated that a new reenlistment contract was prepared during August 1968, which reflected a 14 April 1968 reenlistment. In any event, you were a member of the Marine Corps on 31 March 1969, when you began the first of three lengthy periods of unauthorized absence which ultimately resulted in your undesirable discharge for the good of the service in lieu of trial by court-martial. The Board rejected your contention to the effect that you and a Senator were advised that you would receive a "medical discharge without any disability." Your record contains a letter to the Senator, dated 18 September 1970, in which he was advised by the Director, Judge Advocate Division, Headquarters, U.S. Marine Corps,

in effect, that you had not been recommended for discharge by reason of physical disability, but that you had requested to be discharged in lieu of trial by court-martial.

The Board noted that a discharge for the good of the service would have precluded your referral to the disability evaluation system had you been unfit for duty at that time. It noted that although you underwent surgery on 5 February 1970 for removal of wire sutures from your abdomen, your post operative course was uneventful, and there is no indication in the available records that you were unfit for duty. Indeed, you stated in the aforementioned letter to the Senator that you had worked on a farm and roughnecked on an oil drilling rig while absent without authority, which "proved that I could do physical labor."

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director